

Membership Balance Plan  
Strategic Environmental Research and Development Program  
Scientific Advisory Board

Agency: Department of Defense (DoD)

1. Authority: The Secretary of Defense, pursuant to 10 U.S.C. § 2904 and in accordance with the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended) and 41 C.F.R. § 102-3.50(a), established the Strategic Environmental Research and Development Program Scientific Advisory Board (“the Advisory Board”).
2. Mission/Function: The Strategic Environmental Research and Development Program Council (“the Council”) shall refer to the Advisory Board, and the Advisory Board shall review, each proposed research project including its estimated cost, for research in and development of technologies related to environmental activities in excess of \$1,000,000. Notwithstanding, the Council, in an effort to enhance the Advisory Board’s review process, subsequently lowered the dollar threshold for referral by the Council to the Advisory Board to any proposed research projects in excess of \$900,000. The Advisory Board shall make any recommendations to the Council that the Advisory Board considers appropriate regarding such project or proposal.

The Advisory Board may make recommendations to the Council regarding technologies, research, projects, programs, activities, and, if appropriate, funding within the scope of the Strategic Environmental Research and Development Program. In addition, the Advisory Board shall assist and advise the Council in identifying the environmental data and analytical assistance activities that should be covered by the policies and procedures.

3. Points of View: The membership of the Advisory Board is comprised of not less than six and not more than 14 members.

Pursuant to 10 U.S.C. § 2904(b), the Advisory Board membership shall be comprised of the following:

- a. Permanent members of the Advisory Board are the Science Advisor to the President and the Administrator of the National Oceanic and Atmospheric Administration or their respective designees;
- b. Non-permanent members of the Advisory Board shall be appointed from among persons eminent in the fields of basic sciences, engineering, ocean and environmental sciences, education, research management, international and security affairs, health physics, health sciences, or social sciences, with due regard given to the equitable representation of scientists and engineers who are women or who represent minority groups. One such member of the Advisory Board shall be a representative of environmental public interest groups, and one such member shall be a representative of the interests of State governments.

All Advisory Board members, to include the regular government employee members, are appointed to provide advice on behalf of the government on the basis of their best judgment without representing any particular point of view and in a manner that is free from conflict of interest. Board members appointed by the Secretary of Defense or the Deputy Secretary of Defense, who are not full-time or permanent part-time Federal officers or employees, shall be appointed as experts and consultants, under the authority of 5 U.S.C. § 3109 to serve as special government employee (SGE) members, with

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annual renewals. In addition, the Department, unless otherwise directed by an Act of Congress or Presidential directive, does not use representative members on DoD established or support advisory committees.

4. Other Balance Factors: Not applicable.
5. Candidate Identification Process: As a first step in identifying nominees for the Advisory Board, the Executive Director of the Strategic Environmental Research and Development Program assesses the statutorily prescribed areas of expertise and determines what represented interests will be needed to provide balanced representation.

The Secretary of Defense and the Secretary of Energy, in consultation with the Administrator of the Environmental Protection Agency, requests that:

- a. the head of the National Academy of Sciences, in consultation with the head of the National Academy of Engineering and the head of the Institutes of Medicine of the National Academy of Sciences, nominate persons for appointment to the Advisory Board;
- b. the Council on Environmental Quality nominate for appointment to the Advisory Board at least one person who is a representative of environmental public interest groups; and
- c. the National Association of Governors nominate for appointment to the Advisory Board at least one person who is a representative of the interests of State governments.

The Executive Director then reviews the requested nominations to identify those individuals who would best fulfill the requirements of the Advisory Board. The list of potential candidates is then provided to the Administrator of the Environmental Protection Agency for concurrence and submitted to the Secretary of the Department of Energy for approval.

Upon receipt of the Secretary of the Department of Energy approval and the Administrator of the Environmental Protection Agency concurrence, the list of candidates will undergo a review by the Office of General Counsel of the Department of Defense and the Office of the Advisory Committee Management Officer to ensure compliance with Federal and DoD governance requirements, including compliance with the Advisory Board's charter and membership balance plan. Following this review, the Under Secretary of Defense for Acquisition, Technology, and Logistics (USD(AT&L)) formally nominates the potential candidates to the Secretary of Defense or the Deputy Secretary of Defense for approval. Pursuant to DoD policy, only the Secretary or the Deputy Secretary of Defense can invite or approve the appointment of individuals to serve on DoD established or supported advisory committees and subcommittees.

Following approval by the Secretary or the Deputy Secretary of Defense, the candidates are required to complete the necessary appointment paperwork, to include meeting ethics requirements stipulated by the Office of Government Ethics for advisory committee members who are appointed as SGE members.

The Secretary of Defense or the Deputy Secretary of Defense may approve the appointment of members to the Advisory Board for a term of service of not less than two but not more than four years, in accordance with 10 U.S.C. § 2904(b)(4), and subject to annual renewals. However, no

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member, unless authorized by the Secretary of Defense or the Deputy Secretary of Defense, may serve more than two consecutive terms of service on the Advisory Board, to include its subcommittees. Such appointments will normally be staggered among the Advisory Board membership to ensure an orderly turnover in the Advisory Board's overall composition on a periodic basis.

Membership vacancies for the Advisory Board and its subcommittees will be filled in the same manner as described in the previous six paragraphs above.

6. Subcommittee Balance: DoD, when necessary and consistent with the Advisory Board's mission and DoD policies and procedures, may establish subcommittees, task forces, or working groups to support the Advisory Board.

The Secretary of Defense or the Deputy Secretary of Defense shall approve the appointment of subcommittee members to the Advisory Board for a term of service of one-to-four years with annual renewals. Individuals considered for appointment to any subcommittee of the Advisory Board may come from the Advisory Board itself or from new nominees, as recommended by the USD(AT&L) and based upon the subject matters under consideration, but they must be approved by the Secretary of Defense or the Deputy Secretary of Defense before participating in any subcommittee work.

Subcommittee members, if not full-time or permanent part-time government employees, shall be appointed as experts and consultants, pursuant to 5 U.S.C. § 3109, to serve as SGE members, whose appointments must be renewed annually. No subcommittee member may serve more than two consecutive terms of service without Secretary of Defense or Deputy Secretary of Defense approval.

7. Other: As nominees are considered for appointment to the Advisory Board, the DoD adheres to the Office of Management and Budget's Final Guidance on Appointment of Lobbyists to Federal Boards and Commissions (76 FR 61756; October 5, 2011) and the rules and regulations issued by the Office of Government Ethics.
8. Date Prepared/Updated: September 4, 2013